

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DEDRICK McKALPAIN,

Petitioner,

v.

NICK LUDWICK,

Respondent.

Case No. 2:08-CV-15304  
Honorable Arthur J. Tarnow  
Magistrate Judge Paul J. Komives

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND DENYING CERTIFICATE OF APPEALABILITY**

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #12] filed August 10, 2010. The Magistrate Judge recommends that this Court deny petitioner's application for the writ of habeas corpus and certificate of appealability. No objections were filed.

Having reviewed the file and the Report and Recommendation, the Court **ADOPTS** the Report and Recommendation as the findings and conclusions of the Court. Accordingly, petitioner's application for the writ of habeas corpus and certificate of appealability are **DENIED.**

s/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge

Dated: October 13, 2010

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on October 13, 2010, by electronic and/or ordinary mail.

s/Catherine A. Pickles  
Judicial Secretary